

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-24 were pending in this application. In this response, claims 1-2 and 4-24 are amended, and claim 3 canceled. Claims 25-28 are added. Thus, claims 1-2 and 4-28 remain pending.

Support for the foregoing amendments can be found, for example, in at least the original claims, the drawing figures including Fig. 14, and the specification, para. [0076].

OBJECTIONS TO THE DRAWINGS

The drawings are objected to for the reasons noted beginning on page 2 of the Office Action. In response, a new drawing showing the subject matter of claim 5 is submitted. In addition, the specification has been correspondingly amended. Applicant respectfully submits that no new matter is being entered as support for the new drawing is provided by claim 5. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention on the grounds set forth on pages 2-3 of the Office Action. These claim rejections have been addressed by the above amendments. Reconsideration and withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 4, 7, 8, 10, 14-17, 21, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 344 616 (hereafter *EP '616*) on the grounds set forth at pages 3-4 of the Office Action. This rejection has been obviated by the amendment to independent claim 1, whereby features of claim 3 (a claim not subject to rejection based on this reference) have been added to claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-4, 7-8, 10, 14, and 21 are also rejected under 35 U.S.C. § 102(b) as being anticipated by German 27 46 232 (hereafter *DE '232*) on the grounds set forth at pages 3-4 of the Office Action. This rejection is respectfully traversed.

In general, the currently disclosed base body and drilling tool are provided with an adjusting pin in a manner by which the radial adjustment of the cutting insert holder relative to the based body can be carried out by measuring the radial deviation between a defined point of the cutting insert holder or defined point of the cutting insert accommodated on the cutting insert holder and the adjusting pin. Previously, fine adjustment and measurement with, e.g., calipers, required removing at least a portion of the base body from the machine. Thus, the present disclosed base body and drilling tool are an improvement of the prior system.

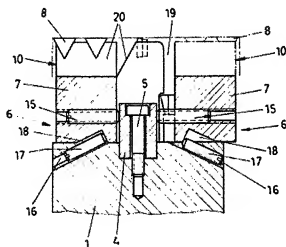
The above features are generally incorporated into the present claims. For example, claim 1, the only independent claim at issue here, recites among other things that

at least one adjusting pin is connected to the base body and axially overlaps the cutting insert holder and/or the cutting insert, that a radial adjustment of the cutting insert holder with respect to the base body occurs by measuring a radial deviation between a defined point of the cutting insert holder or the cutting insert accommodated on the cutting insert holder and the adjusting

pin, and that the adjusting pin is centrally aligned with the axis of rotation of the tool.

Considering *DE* '232, one can see that base body and drilling tool disclosed therein does not have the possibility of measuring the adjustment of the relative radial displacement of the cutting insert with respect to the base body. For example and with reference to Figure 3 of *DE* '232, reproduced here:

Fig. 3



Central cam 4, regarded by the Examiner as an adjusting pin, is clearly not capable of being a point used in measuring the radial deviation between a defined point of the cutting insert holder (or defined point on the cutting insert accommodated on the cutting insert holder) and the adjusting pin. Moreover, if one uses a mechanical means, such as calipers, there is clearly insufficient access to the proposed adjusting pin in *DE* '232 to make any such measurement using central cam 4.

In view of at least the above difference between the claims and the cited reference *DE '232*, reconsideration and withdrawal of the anticipation rejection are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *DE '232* in view of U.S. Patent No. 2,2048,55 to Healy (hereinafter "*Healy*") on the grounds set forth at page 4 of the Office Action, and claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *EP '616* in view of *Healy* on the grounds set forth at page 4 of the Office Action. Both of these rejections should be withdrawn.

First and with respect to the rejection based in part on *EP '616*, this rejection is obviated for the same reasons as the anticipation rejection based on *EP '616* is obviated – the inclusion of the features from non-rejection claim 3 distinguishes of this disclosure. The disclosure in *Healy* does not overcome this deficiency. Thus, the combination of *EP '616* and *Healy* is equally obviated for the same reasons.

Second and with respect to the rejection based in part on *DE '232*, this rejection is traversed for the same reasons as the anticipation rejection based on *DE '232* is traversed – the identified adjusting pin, i.e., central cam 4, is not an adjusting pin with the features thereof as claimed, including the features of "a radial adjustment of the cutting insert holder with respect to the base body occurs by measuring a radial deviation between a defined point of the cutting insert holder or the cutting insert accommodated on the cutting insert holder and the adjusting pin, and that the adjusting pin is centrally aligned with the axis of rotation of the tool." The disclosure in *Healy* does not overcome this deficiency. Thus, the combination of *DE '232* and

Healy is equally insufficient to sustain an obviousness rejection, as at least this feature is missing from the proposed combination.

In view of at least the above, reconsideration and withdrawal of the two obviousness rejections are respectfully requested.

NEW CLAIMS

Dependent claims 25-28 have been added. These claims distinguish over the cited references for at least the same reasons as outlined above. Further and regard to claim 28, the feature of an adjusting pin protruding axially past at least a portion of an upper surface of the cutting insert holder is not disclosed in the presently cited references. For example, the central cam 4 shown in Fig. 3 of DE '232 has no such protrusion.

ALLOWABLE SUBJECT MATTER

Claims 5, 9, 11-13, 18-20, and 22 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, on the grounds set forth at page 5 of the Office Action. Applicant appreciates the indication of allowable subject matter. Presently, Claim 1 has been amended and remarks presented whereby the independent claim and all dependent claims distinguish over the cited references. Reconsideration and allowance of all of pending claims 1-2 and 4-26 are requested.

CONCLUSION

In view of the above arguments and amendments to the claims, Applicant submits that the claims are in condition for allowance and respectfully request reconsideration and timely allowance of the claims.

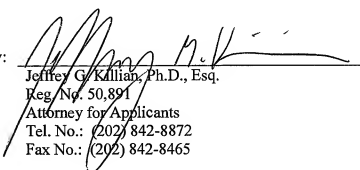
Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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DRINKER BIDDLE & REATH LLP
Customer No. 55694
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel. No.: 202-842-8800
JGK:HJJ:mp

By:


Jeffrey G. Killian, Ph.D., Esq.
Reg. No. 50,891
Attorney for Applicants
Tel. No.: (202) 842-8872
Fax No.: (202) 842-8465